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RICHARD J. CODEY
Acting Governor

State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
PO Box 45029
NEWARK, NJ 07101

PETER C. HARVEY
Attorney General

September 8, ~~DOCK~~ DOCKET FILE COPY ORIGINAL

BY OVERNIGHT MAIL

Honorable Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Room TW-B204
Washington, DC 20554

Ms. Irene Flannery
Universal Service Administrative Company
2120 L Street, NW - Suite 600
Washington, DC 20037

Re: I/M/O Federal-State Joint Board on Universal Service
CC Docket No. 96-45

Certification of Use of High Cost Support
Warwick Valley Telephone Company

Dear Ms. Dortch and Ms. Flannery:

On behalf of the New Jersey Board of Public Utilities (Board), enclosed are five (5) copies of a Board Order of Approval, in which the Board certifies that Warwick Valley Telephone Company (Warwick) shall use the high cost universal service funds it receives during 2006 consistent with Federal law. This letter and the enclosed Order of Approval are submitted in compliance with the certification requirements set forth in 47 C.F.R. §54.314. Please file-stamp and return a copy of this filing in the enclosed return envelope.

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The Board's certification and Order of Approval reflects the sworn affidavit of Michael A. Cutler, Vice President of Warwick, in which he states the following:

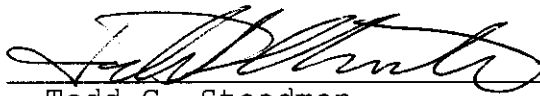
Warwick Valley Telephone Company hereby certifies that it will only use the federal high-cost universal support it receives during 2006 for the provision, maintenance, and upgrading of the facilities and service for which such support is intended, as required by §254(e) of the Telecommunications Act of 1996 and 47 C.F.R. §54.101 et seq.

Thank you for your attention to this matter.

Respectfully submitted,

PETER C. HARVEY
ATTORNEY GENERAL OF NEW JERSEY

By:



Todd C. Steadman
Deputy Attorney General

Enc:

cc: Herbert Gareiss, Jr., President
Bradford M. Stern, Esq.
Bruce Gallagher, BPU

96-45

Agenda Date: 8/17/05
Agenda Item: IVC



STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.bpu.state.nj.us

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TELECOMMUNICATIONS

IN THE MATTER OF THE PETITION OF
WARWICK VALLEY TELEPHONE COMPANY)
FOR CERTIFICATION WITH REGARD TO)
THE USE OF UNIVERSAL SERVICE SUPPORT)

ORDER OF APPROVAL

DOCKET NO. TO01090575

(SERVICE LIST ATTACHED)

BY THE BOARD:

On June 29, 2005, pursuant to 47 C.F.R. §54.314, Warwick Valley Telephone Company (Warwick) filed a verified petition with the Board of Public Utilities (Board) requesting certification that Warwick's use of Universal Service Support funds (USS) is consistent with the purposes for which such funds may be used, according to federal law. On July 21, 2005, Warwick sent certification of publication regarding this matter. This certification must be filed with the Federal Communications Commission (FCC) by October 1, 2005 in order for Warwick to receive its full allocation of funds under requirements imposed by the FCC. Warwick has requested expedited treatment of this matter.

Warwick is an incumbent local exchange carrier (ILEC) providing telecommunications services to customers in the Township of Vernon, County of Sussex, and Township of West Milford, County of Passaic, New Jersey, and the towns of Warwick and Goshen, New York. Warwick provides service to approximately 25,847 access lines, of which approximately 9,114 are in New Jersey. Warwick is a rural telephone company as defined by the Telecommunications Act of 1996, P.L. 104-104, 110 Stat. 56 (codified in scattered sections of 47 U.S.C. §§151 et seq.) (hereinafter, the Act). See 47 U.S.C. § 153(37). The Board has previously certified Warwick as an eligible telecommunications carrier (ETC) pursuant to 47 U.S.C. §214(e). See Order of Approval, I/M/O a Petition by Warwick Valley Telephone Company for Designation as an Eligible Telecommunications Carrier Under the Telecommunications Act of 1996, Docket No. TO97080587 (November 25, 1997). Under the Act, certification as an Eligible Telecommunications Carrier is necessary in order to receive federal Universal Service Support. 47 U.S.C. § 254(e).

The FCC's rule at 47 C.F.R. §54.314(a) requires that, in order for Warwick to receive USS funds, the Board must file an annual certification with the USS fund administrator and state to the FCC that "all federal high-cost support provided to [Warwick] will be used only for provision, maintenance and upgrading of facilities and service for which the support is intended." Pursuant to 47 C.F.R. §54.314(d), the Board's annual certification must be filed with the

administrator and the FCC by October 1, 2005, in order for Warwick to receive USS fund support for 2006.

By previous Order, dated August 19, 2004 at Docket No. TO01090575, the Board certified Warwick's use of USS funds in order for Warwick to receive support in 2005. In that Order, the Board stated:

Because state certification is now required on an annual basis, and in order to ensure continued use of universal support funds in a manner consistent with federal law, the Board DIRECTS Warwick to submit to the Board, no later than July 1st and January 1st of each year, a report, in a manner and format to be determined by Staff, providing auditable information sufficient to determine Warwick's compliance with federal law, including, but not limited to, compliance with the FCC's required uses of universal support funds. The Board FURTHER DIRECTS Warwick to file its future requests for Board certification no later than July 1st of each year, absent extenuating circumstances, and to simultaneously publish notice of the filing in newspapers of general circulation in its service territory. Such notice shall be reviewed by Staff prior to its publication.

By letter, dated December 29, 2004, Warwick provided pro forma information as of December 31, 2004 on Warwick's use of USS funds, in the same format and using the same accounting method that Warwick used in filing its previous petition for certification, dated June 25, 2004, at Docket No. TO01090575. Warwick stated that, absent different format and accounting methods determined by Board Staff, it intended to file, on a semi-annual basis, the same form of schedules as its support for obtaining the Board's future certifications on use of USS funds.

Warwick has filed the following information:

- A – Cost Support Response Form prepared as of June 21, 2005 (schedules for 2005 pro forma and 2006 projected).
- B – Affidavit of Michael A. Cutler, Vice President of Warwick, certifying use of USS funds for 2005 will be for intended purposes under the Act.
- C – A copy of the proof of newspaper publication of this filing

Having reviewed the petition and the information submitted in support thereof, the Board HEREBY CERTIFIES that Warwick shall use the federal USS it receives during 2006 for the provision, maintenance and upgrading of facilities and service for which such support is intended, as required by Section 254(e) of the Telecommunications Act of 1996 and 47 C.F.R. §54.101et seq.


Because state certification is now required on an annual basis, and in order to ensure continued use of Universal Service Support funds in a manner consistent with federal law, the Board DIRECTS Warwick to continue to submit to the Board, no later than July 1st and January 1st of each year, a report, in a manner and format to be determined by Staff, providing auditable information sufficient to determine Warwick's compliance with federal law, including, but not limited to, compliance with the FCC's required uses of Universal Service Support funds.

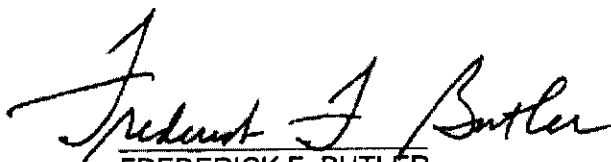
The Board FURTHER DIRECTS Warwick to continue to file its future requests for Board certification no later than July 1st of each year, absent extenuating circumstances, and to simultaneously publish notice of the filing in newspapers of general circulation in its service territory. Such notice shall be reviewed by Staff prior to its publication. In addition, the Board requests that the Attorney General's office provide, to the Secretary of the FCC, a letter transmitting this Order in compliance with certification requirements as set forth in 47 C.F.R. §54.315. "

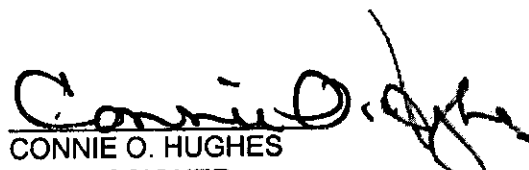
DATED:


8/18/05

BOARD OF PUBLIC UTILITIES
BY:

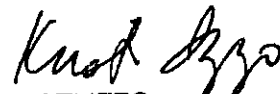

JEANNE M. FOX
PRESIDENT


FREDERICK F. BUTLER
COMMISSIONER

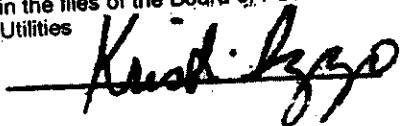

CONNIE O. HUGHES
COMMISSIONER


JACK ALTER
COMMISSIONER

ATTEST:


KRISTI IZZO
SECRETARY

I HEREBY CERTIFY that the within
document is a true copy of the original
in the files of the Board of Public
Utilities



Service List

Docket No. T001090575

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